IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No.145 of 2007

Jinadatt P Birajdar ..Petitioner.

Vs

The Secretary
Sind Edn Society and Ors. ..Respondents

Ms Kumud Bhatia for the petitioner
Mr A.G. Kothari for respondent Nos 1 and 2.
Mr. Pradeep Jadhav AGP for respondent Nos 3 and 4.

CORAM: SWATANTER KUMAR,C.J.,&
S.R.SATHE, J.

DATE: APRIL 2, 2007.

P.C.:-

The main grievance raised by the petitioner in this petition relates to the non-payment of subsistence allowance. The petitioner was employed as a lecturer in a junior college i.e. Jai Hind College- respondent No.2 herein. A departmental inquiry was being conducted against him. During the pendency of the inquiry, he raised an objection with regard to the member of the Committee and in response to that objection, some of the members had resigned and a de-novo inquiry was ordered.

The learned counsel for the petitioner contended that the de-novo inquiry could not have been ordered, which is against the provisions of the MEPS Act and the Rules framed

thereunder. She further submits that non-payment of subsistence allowance has caused serious prejudice to the petitioner, entitling him from non-participating in the departmental inquiry. Both these submissions would be of no much consequence in view of the stand taken by the respondents. The learned counsel for the respondents submits that in the event the petitioner waiving the objection with regard to the constitution of the Committee, the college would take steps to conclude the inquiry as expeditiously as possible and in any event not later than three months from today. He further states that not only the subsistence allowance but the college would continue to pay the full salary of the petitioner till then. In view of this statement made on behalf of the respondents, the learned counsel for the petitioner submits that she has no objection to the same and the Committee may continue to hold the inquiry and conclude the proceedings. With the above direction the petition is disposed of leaving the parties to bear their own costs. The departmental inquiry shall be concluded within three months from today.

CHIEF JUSTICE

S.R.SATHE,J.